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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MAX B. PRICE,

11 Plaintiff,

12 v.

13 MICHAEL ASTRUE, Commissioner of
14 Social Security Administration,

15 Defendant.
16

CASE NO. C08-5104FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION

17 Plaintiff objects to the Magistrate Judge's Report and Recommendation on five bases: 1. That the
18 ALJ failed to allow certain cross examination of the vocational expert; 2. The ALJ's finding of residual
19 functional capacity was not supported by substantial evidence; 3. The ALJ did not properly reject the
20 treating physician's opinion; 4. The ALJ did not properly evaluate Claimant's subjective complaints; and 5.
21 The opinion of the vocational expert is not valid.

22 The Court has reviewed the record herein and the Magistrate Judge's Report and
23 Recommendation. The Court has considered, as Plaintiff suggested, the evidence related to the attempted
24 cross-examination, but does not reach a conclusion that the ALJ erred to limiting the cross-examination
25 when it attempted to add additional limitations that the ALJ did not adopt.

26 As to the residual functional capacity objection, Plaintiff argues that while the ALJ accepted the
27 diagnosis of Antisocial Personality Disorder, the ALJ did not explain his rejection of the mood disorder or
28 the anxiety disorder. But this is not true. The ALJ, at page 20 of the record, did explain this and resolved

1 the matter by concluded that the mood (depression) and anxiety, were related to the Antisocial Personality
2 Disorder.

3 The ALJ gave more than sufficient reasons for declining to accept Dr. Schlitter's opinions
4 regarding Plaintiff's limitations. (See Tr. 23 – 26 and references to exhibits)


5 A review of the record reveals that the ALJ made a rational evaluation of Plaintiff's subjective
6 complaints and gave legitimate reasons for not finding Plaintiff's allegations "fully credible."

7 Plaintiff asserts that the ALJ's hypothetical questions were not accurate, detailed and supported by
8 the record and that the Vocational Expert's opinion has no evidentiary value. Because the Court finds no
9 error in the ALJ's assessment of Plaintiff's limitations, the Court concludes that the hypothetical is accurate
10 and that the Vocational Expert's opinion is valid.

11 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J.
12 Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any,
13 and the remaining record, does hereby find and ORDER:

- 14 (1) The Court adopts the Report and Recommendation;
15 (2) The administrative decision is AFFIRMED; and
16 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
17 and Magistrate Judge J. Kelley Arnold.

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19 DATED this 7th day of January 2009.

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22 FRANKLIN D. BURGESS
23 UNITED STATES DISTRICT JUDGE
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